

Wetlands Bureau Decision Report

Decisions Taken
06/21/2004 to 06/25/2004

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

1999-00281 RUGER JR., WILLIAM
NEWPORT Sugar River

Requested Action:

Dredge and fill 9,500 sq. ft. to construct a dam and penstock intake, place 4,100 sq. ft. of earthen and stone fill for structure stability and inundate 32,244 sq. ft. within the banks of the river and operating pool limits for a total of 45,844 sq. ft. of impact to the river, riverbanks, and associated wetlands, for reconstruction of a hydroelectric facility on the Sugar River. Requested time extension work to include final construction of the fish passageway, northern sluice gate and rip rap protection on the down stream outfalls and upstream wing walls.

Inspection Date: 04/26/1999 by Andrew Chapman

Inspection Date: 06/16/2004 by Jeffrey D Blecharczyk

APPROVE TIME EXTENSION:

Dredge and fill 9,500 sq. ft. to construct a dam and penstock intake, place 4,100 sq. ft. of earthen and stone fill for structure stability and inundate 32,244 sq. ft. within the banks of the river and operating pool limits for a total of 45,844 sq. ft. of impact to the river, riverbanks, and associated wetlands, for reconstruction of a hydroelectric facility on the Sugar River. Requested time extension work to include final construction of the fish passageway, northern stop log bay and rip rap protection on the down stream outfalls and upstream wing walls.

With Conditions:

Extend permit for six months, to January 2, 2005. This shall be the only time extension for this project. Permit to read:

1. All work shall be in accordance with plans by The H.L. Turner Group Inc. sheets C1-C3, C5 and C6 dated May 1999; sheets C4 and S1-S4 dated June 1999 as received by the Department on June 4, 1999.
2. Per details received 6/04/99, construction of the dam and penstock intake, including stone and earthwork within the banks, shall be done in two phases to divert water to the opposite side of the channel with a temporary cofferdam of concrete blocks, sandbags and poly membrane liner.
3. Work shall be done during low flow.
4. Siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed in areas out of the Wetland Board's jurisdiction unless otherwise specified per the approved plans.
10. Within three days of the last activity on slopes steeper than 3:1, all exposed soil areas where construction activities are complete or have been temporarily suspended shall be stabilized by seeding and mulching during the growing season, or if not within the growing season by stabilizing with tack or mulching, netting and pinning.
11. Within 90 days of completion submit an As-Built surveyed plan stamped by a licensed surveyor.
12. All activity shall be in accordance with the Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This proposal will re-establish power generation in a hydroelectric facility that was abandoned in the late 1960's.
2. This proposal is classified as a major project per rules Wt 303.02(c) and Wt 303.02(h).

3. This project will include a downstream passage and a plunge pool to minimize impacts to finfish.
4. This project has the same impacts as approved for permit #93-477, which expired June 27, 1997.
5. Waive public hearing with the findings that: a) the project proposes the same impacts as previously permitted by the Wetlands Board under file #93-477; and b) the project has received licensing from the Federal Energy Regulatory Commission (FERC) following an environmental impact study.
6. Requested time extension received by the Department on June 2, 2004.
7. The Department conducted a site inspection on June 16, 2004. The site inspection determined remaining work is within the scope of the approved project excluding the powerhouse tail race.
8. No additional dredging is required to complete remaining work with the requested time extension.
9. Stream diversions utilizing the phased cofferdam approval is required to complete work on the fish passage and third, northern sluice gate structure.
10. The Department determined additional work and further details are required beyond the scope of the previously approved work for the powerhouse tail race.
11. The work approved on July 2, 1999, for the powerhouse structure and tail race will require additional permitting and approvals and is not covered under this time extension.

2003-00463 18 MILE POINT DR REALTY TRUST, C/O WALKER HARMON
MEREDITH Lake Winnepesaukee

Requested Action:

Appellant requests reconsideration of decision to approve impacts for the construction of a 10 slip permanent docking facility on land leased from the Department of Transportation based on questions of ownership, the design and location, the extent of environmental impact and the lack of appropriate conditions on the permit issued.

Conservation Commission/Staff Comments:

Con Com recommends cross section of walkway and steps.

Inspection Date: 05/28/2003 by Dale R Keirstead

DENY RECONSIDERATION:

Reconsider and re-affirm the approval of the permit to: Construct a 10 slip major docking facility consisting of a 6 ft by 120 ft permanent wharf over the bank with five 4 ft by 30 ft permanent piling supported docks with 8 tie off pilings between the slips and one tie off piling in the northern slip and one tie off piling in the southern slip, and three, 3 piling ice clusters, accessed by a 6 ft wide stairway constructed over the bank on 700 ft of leased frontage on Lake Winnepesaukee, Meredith.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that the applicant is not the owner of the land as required per Wt 402.19 Ownership.
2. The Appellant alleges that the proposed docking facility will not be used by the appropriate landowners pursuant to RSA 228:57-a.
3. The Appellant alleges that the Wetlands Bureau has failed to require the least impacting method of securing and storing watercraft on the frontage.
4. The Appellant alleges that the Department has not imposed the appropriate limitations or conditions upon the docking facility.
5. The Appellant alleges that the Wetland Bureau has failed to consider the projects impact on the resources of Lake Winnepesaukee, specifically alleging that facility will attribute to the loss of wildlife and waterfowl habitat along this section of waterfront.
6. The Appellant alleges the docking facility will unnecessarily increase boat traffic on Lake Winnepesaukee.
7. The Appellant alleges that the Bureau has failed to consider the impacts of the project on the aesthetic interests of the general public.

Findings of Fact

8. Rule Wt 402.19 Ownership allows for a tenant leasing frontage from the state pursuant to RSA 228:57-a, to apply for a major docking facility.
9. The Applicant, 18 Mile Point Drive Realty Trust, is the tenant of property leased from the state pursuant to RSA 228:57-a as noted on the lease submitted with Standard Dredge and Fill application.
10. Seasonal piers and moorings are the least impacting methods for securing watercraft and must be utilized wherever practical. The conditions specific to this project site make the use of a seasonal docking system both unsafe and impractical.
11. The conditions of the permit issued by the Bureau are consistent with permits issued by the Department for similar projects.
12. The construction of a major docking facility in a cluster as approved will impact less shoreline than several docks spread across the distance of the shore and provide the tenant with the docking rights as allowed pursuant to RSA 482-A and Wt 100-800. This will also leave a majority of the frontage undeveloped.
13. The addition of 10 boat slip will not adversely affect the total boat traffic on this waterbody.
14. The Appellant presents a memo to CORD from Commissioner Flynn, Department of Safety, opposing recommendation the approval of the lease as evidence that the project would result in unsafe conditions.

Rulings in Support of the Decision

14. The applicant for the proposed project meets requirements as specified by Rule Wt 402.19 for major docking facilities.
15. With regards to the issues pertaining to the application of the docking facility meeting the all the requirements of 402.19, the Department reaffirms Condition #4 of the May 13, 2004 decision.
16. The Appellant has failed to provide evidence that the proposed project will adversely affect the shoreline in this area. Therefore the Department reaffirms Findings #5 and 6 of the May 13, 2004 decision.
17. With regards to the issues pertaining to the Department's failure to consider the projects aesthetic impact the depart reaffirms Finding # 5 of the May 13, 2004 decision.
18. The memo to CORD from Commissioner Flynn, was specific to the review of the application to lease the frontage. At no time has the Department of Safety submitted documentation to the Wetlands Bureau to indicate that the construction of the docking facility as proposed will present any hazard to public safety or navigation.

-Send to Governor and Executive Council-

2003-02822 CHAPUT, RONALD & VIVIAN
GILFORD Lake Winnepesaukee

Requested Action:

Remove two 3-slip, U shaped docking facilities, dredge 10 cu yds from 1,250 of lakebed, fill 800 sq ft to construct 73 linear ft of breakwater, in a dogleg configuration with a 6 ft x 35 ft cantilevered pier connected to a 30 in x 35 ft piling pier by a 6 ft x 32 ft walkway in an "F" configuration. Construct a 30 in x 25 ft piling pier connected to a 6 ft x 52 ft piling pier by a 6 ft x 14 ft 6 in walkway in an "h" configuration on an average of 270 ft of frontage on Governors Island, Lake Winnepesaukee.

APPROVE PERMIT:

Remove two 3-slip, U shaped docking facilities, dredge 10 cu yds from 1,250 of lakebed, fill 800 sq ft to construct 73 linear ft of breakwater, in a dogleg configuration with a 6 ft x 35 ft cantilevered pier connected to a 30 in x 35 ft piling pier by a 6 ft x 32 ft walkway in an "F" configuration. Construct a 30 in x 25 ft piling pier connected to a 6 ft x 52 ft piling pier by a 6 ft x 14 ft 6 in walkway in an "h" configuration on an average of 270 ft of frontage on Governors Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by R C Brown, Inc dated November 20, 2003, as received by the Department on December 22, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The construction of the proposed sand retention structures on the abutting property to the northwest(Wetlands file #2003-02823)

shall be completed prior to the construction of the approved docking structures.

4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. These shall be the only structures on this water frontage.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
10. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. The breakwater shall have an irregular face to dissipate wave energy.
14. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a docking facility including a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has 270 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 4 slips as defined per RSA 482-A:3, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on March 29, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. This site is known to experience significant levels of sand migration.
8. The Applicant has submitted documentation prepared by a qualified, licensed professional that the sand retention structures to be constructed on the abutting lot to the northwest will significantly reduce the level of sand migration experienced on this frontage.
9. The Applicant has recieved a signed notarized waiver from the abutter to the northwest to allow the construction of the "h" shaped dock within the 20 ft setback to property lines.

-Send to Governor and Executive Council-

2003-02823 GOVERNORS ISLAND CLUB INC
GILFORD Lake Winnepesaukee

Requested Action:

Fill 2,240 sq ft to construct two 70 ft long groins to retain sand along 871 ft of frontage on Governors Island, Lake Winnepesaukee.

APPROVE PERMIT:

Fill 2,240 sq ft to construct two 70 ft long groins to retain sand along 871 ft of frontage on Governors Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plan Sheet 2 of 2 by R C Brown Inc as received by the Department on May 25, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. No work is authorized to the three existing groins on the frontage.
4. A fixed, permanent benchmark shall be installed on the property within 50 ft of the normal high water line for the purpose of monitoring future changes in sand migration and water depth along the frontage. This permit shall not be effective until the NH Wetlands Bureau receives written notification that the benchmark has been installed. The notification shall include the location, elevation and a description of the benchmark.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. The groins shall not exceed 1.5 feet in height (Elev. 505.82) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the groin (Elev. 507.32) shall not exceed 3 feet.
10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
11. The owner understands and accepts the risk that if this facility requires dredging more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
12. Any sand which is removed from behind the groins as part of future maintenance dredging shall be deposited outside of DES Wetlands Bureau jurisdiction and will not be redistributed within the lake or along the shoreline.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(n), placement of fill in public waters for the purpose of making land.
2. This site experiences significant levels of shoreline erosion and sand migration.
3. The Applicant has submitted documentation prepared by a qualified, licensed professional that the groins to be constructed will prevent further erosion, encourage the accretion of sediment, and significantly reduce the level of sand migration experienced on this frontage.
4. The proposed structures will not provide slips as defined per RSA 482-A:3.
5. Public hearing is waived based on field inspection, by NH DES staff, on March 29, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. The Applicant has received a signed notarized waiver from the abutter to the southeast to allow the construction of one groin within the 20 ft setback to property lines.

-Send to Governor and Executive Council-

2004-00716 PAUL, JONATHAN & JENNIFER
NEW LONDON Lake Sunapee

Requested Action:

Permanently remove an existing seasonal docking structure, a 10 ft by 10 ft deck over the water, 5 cy of rock, a concrete deck over the bank and access steps into the waterbody, and a 10 ft by 2 ft walkway over the bank. Construct a 6 ft by 40 ft piling pier, a 6 ft by 24 ft piling pier and a 4 ft by 24 ft piling pier connected by a 6 ft by 30 ft walkway in a "W" configuration and install two piling supported boatlifts with two 14 ft by 25 ft seasonal canopies in the center two slips. Construct a 440 sqft perched beach with 4 ft wide access stairs to the lake and a second set of 4 ft wide access stairs on Lake Sunapee, New London.

Conservation Commission/Staff Comments:

Con Com has not submitted any comments by 6/15/04.

APPROVE PERMIT:

Permanently remove an existing seasonal docking structure, a 10 ft by 10 ft deck over the water, 5 cy of rock, a concrete deck over the bank and access steps into the waterbody, and a 10 ft by 2 ft walkway over the bank. Construct a 6 ft by 40 ft piling pier, a 6 ft by 24 ft piling pier and a 4 ft by 24 ft piling pier connected by a 6 ft by 30 ft walkway in a "W" configuration and install two piling supported boatlifts with two 14 ft by 25 ft seasonal canopies in the center two slips. Construct a 440 sqft perched beach with 4 ft wide access stairs to the lake and a second set of 4 ft wide access stairs on Lake Sunapee, New London.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated April 4, 2004, as received by the Department on April 26, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
7. This permit does not allow for maintenance dredging.
8. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 1093.65). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. This permit does not allow any work to the existing breakwater.
16. Installation of this docking structure shall not require modification, regarding, recontouring, of the shoreline.
17. This shall be the only structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
18. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
19. The minimum clear spacing between pile bents shall be 12 feet.
20. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
21. Install two piling supported boatlifts in the center two slips.
22. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

2004-00761 **COOS COUNTY**
WEST STEWARTSTOWN **Connecticut River**

Requested Action:

Stabilize approximately 350 linear feet of bank along the Connecticut River with a total of 18 logs with root wads attached and reestablish a 15 foot vegetative buffer along the top of bank.

Conservation Commission/Staff Comments:

There were no comments received from the conservation commission.

APPROVE PERMIT:

Stabilize approximately 350 linear feet of bank along the Connecticut River with a total of 18 logs with root wads attached and reestablish a 15 foot vegetative buffer along the top of bank.

With Conditions:

1. All work shall be in accordance with plans and narrative by John J. Field dated August 2003, as received by the Department on April 28, 2004 and June 18, 2004.
2. The permittee has designated a qualified professional who will be responsible for monitoring and ensuring that work is completed in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken as necessary.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The applicant shall notify in writing the DES Wetlands Bureau, and the Connecticut River Joint Commissions of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
6. No equipment shall enter into surface waters.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work within the river shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Dewatering of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. This permit is contingent upon the establishment of a 15 foot vegetative buffer along the top of bank.
14. Banks shall be restored to a stable condition within three days of completion of construction.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by netting and pinning.
16. The permittee shall attempt to control invasive species, as listed by the NH Department of Agriculture, during construction and during the early stages of vegetative establishment.
17. A post-construction report including photographic documentation of each stage of construction shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
23. The qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of the project.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on June 17, 2004. Field inspection determined that the proposed project will improve the stability of the river bank in this location.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine

ecosystem.

6. DES waives rule Wt 303.01(d) in accordance with the provisions of Wt 304.16 as the top of bank has been identified by a fluvial geomorphologist and no Wetlands were observed during the site inspection.

7. The Connecticut River Local Advisory Committee gives it's full support to the proposed project.

MINOR IMPACT PROJECT

2001-02497 STEINSKY LAND DEV LLC
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Approve permit amendment request to increase the wetland impacts to 8781 square feet of forested wetland.

Conservation Commission/Staff Comments:

Con Com requested a hold on the permit until they had a chance to conduct a field review, however, their letter was received after the 14 day period from when the Tax Collector signed the application.

Inspection Date: 01/25/2002 by Doug W Cygan

APPROVE AMENDMENT:

Dredge and fill 8781 square feet of forested wetland including installation of two culverts for the construction of an access road in the subdivision of approximately 70 acres into 17 single family residential lots and one common land lot.

With Conditions:

1. All work shall be in accordance with plans by Hambrook Land Surveying dated March 2002 and revised through September 26, 2003, as received by the Department on September 30, 2003 and plans by Moser Engineering dated March 17, 2004, and revised through March 31, 2004 as received by the Department on June 3, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
12. All work within flowing streams shall be conducted in the dry using a dam and flume or dam and pump method.
13. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
18. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Culvert outlets shall be properly rip rapped.
21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
24. Silt fencing must be removed once the area is stabilized.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

The Wetlands Bureau Reaffirms findings 1-7 of the original wetland approval dated November 4, 2003 and adds the following finding:

8. The wetland impacts increased due to culvert outlet protection requirements of the Alteration of Terrain Permit.

2003-02348

BOURGEOIS REVOCABLE TRUST, MARC BOURGEOIS TRUSTEE

GILFORD Lake Winnepesaukee

Requested Action:

Construct a 6 ft x 25 ft piling dock connected to an existing 7 ft x 52 ft piling pier, by a 6 ft x 15 ft walkway, connected to an existing 8 ft x 52 ft piling pier by a second existing 6 ft x 15 ft walkway, in a "W" shape, covered with an existing 15 ft x 52 ft canopy, attached to an existing 30 linear ft breakwater, and install (2) fender pilings on an average of 389 ft of frontage on Governor's Island, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. did not object to project.

APPROVE PERMIT:

Construct a 6 ft x 25 ft piling dock connected to an existing 7 ft x 52 ft piling pier, by a 6 ft x 15 ft walkway, connected to an existing 8 ft x 52 ft piling pier by a second existing 6 ft x 15 ft walkway, in a "W" shape, covered with an existing 15 ft x 52 ft canopy, attached to an existing 30 linear ft breakwater, and install (2) fender pilings on an average of 389 ft of frontage on Governor's Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by RC Brown, Inc. revised on June 9, 2004, as received by the Department on June 10, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The additional boat slip is to be used for guests only. No overnight docking.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. No additional boat slips or docking structures shall be permitted on this water frontage.
10. All portions of the docking facility shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), modification of a major docking facility to provide a total of 6 slips.
2. The applicant has an average of 389 feet of frontage along Lake Winnepesaukee.

-Send to Governor and Executive Council-

2003-02557 PRAY, GEORGE & NATALIE
ROCHESTER Unnamed Wetland

Requested Action:

Approve name change to: Gregory E. Pray, 6 Susan Lane, Rochester NH 03867 per request received 6/23/04.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated November 30, 2003 the Rochester Conservation Commission recommended approval of the application with the condition that the remainder of the lot be placed in conservation easement.

APPROVE NAME CHANGE:

Fill approximately 11,000 square feet of forested and wet meadow wetlands to extend two existing roadways to provide access to a 12-lot residential subdivision on approximately 29.6 acres, which represents phase IV of a larger residential development. As compensatory mitigation for wetlands impacts preserve approximately 16.14 acres of wetlands and contiguous upland buffer through execution of a conservation easement.

With Conditions:

Fill approximately 11,000 square feet of forested and wet meadow wetlands to extend two existing roadways to provide access to a 12-lot residential subdivision on approximately 29.6 acres, which represents phase IV of a larger residential development. As compensatory mitigation for wetlands impacts preserve approximately 16.14 acres of wetlands and contiguous upland buffer through execution of a conservation easement.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2003-02618 DALTON, LIONEL & JAMIE
ENFIELD Unnamed Wetland

Requested Action:

Dredge and fill 4831 square feet of palustrine wetland to construct two common driveways for access in the subdivision of 26.77 acres into four single family residential lots.

Conservation Commission/Staff Comments:

The conservation commission had concerns with the initial proposal and did not believe that it represented the least impacting alternative.

APPROVE PERMIT:

Dredge and fill 4831 square feet of palustrine wetland to construct two common driveways for access in the subdivision of 26.77 acres into four single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Central Land Surveying Inc. dated July 23, 2003, as received by the Department on June 22, 2004 and Subdivision Plans by Central Land Surveying Inc dated June 2, 2004, as received by the Department on June 22, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-02663 GAFF, LAURENCE
WAKEFIELD Pine River Pond

Requested Action:

Excavate 800 sq ft of bank to construct a 20 ft x 40 ft perched beach, utilizing 10 cu yds of sand, surrounded by 116 linear ft of stone wall, with stairs accessing the beach on an average of 200 ft of frontage on Pine River Pond, Wakefield.

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Excavate 800 sq ft of bank to construct a 20 ft x 40 ft perched beach, utilizing 10 cu yds of sand, surrounded by 116 linear ft of stone wall, with stairs accessing the beach on an average of 200 ft of frontage on Pine River Pond, Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Ray Suprenard dated June 22, 2004, as received by the Department on June 22, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction prior to new construction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.
10. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach utilizing 10 cubic yards of sand.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00005 GILMANTON, TOWN OF
GILMANTON Suncook River

Requested Action:

Dredge and fill 2400 square feet along 180 linear feet of the Suncook River for the replacement of the River Road Bridge.

Conservation Commission/Staff Comments:

The conservation commission signed this expedited application form.

Inspection Date: 01/27/2004 by Jocelyn S Degler

APPROVE PERMIT:

Dredge and fill 2400 square feet along 180 linear feet of the Suncook River for the replacement of the River Road Bridge.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner and Associates Inc dated February 9, 2004, and revised through May 6, 2004 as received by the Department on May 17, 2004.
2. The Town shall obtain easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2004-00005 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation within the river corridor.
7. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Prior to commencing work on a substructure located within surface waters, temporary water diversion measures shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary water diversion measures shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary water diversion measure is fully effective, confined work can proceed without restriction.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
14. There shall be no excavation or operation of construction equipment in flowing water.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of jurisdictional areas during construction.
18. Temporary water diversion measures shall be entirely removed immediately following construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration area during the early stages of vegetative establishment.

21. Upland riparian areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on January 27, 2004. Field inspection found the wetlands to be more extensive than initially illustrated on the plans. The latest submission illustrates the area accurately.
6. The applicant has provided a hydrologic analysis illustrating there will be no adverse impacts to abutters.
7. The conservation commission signed the original expedited application.

2004-01043 HUGHS LAKE REALTY LLC
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Amend permit changing the docking structure to a "U" shaped crib supported docking structure.

APPROVE AMENDMENT:

Construct six 6 ft x 5 ft cribs to support two 6 ft x 41 ft piers connected by a 6 ft by 12 ft walkway in a "U" shaped configuration on an average of 163 ft of frontage on Moultonborough Neck, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision date June 21, 2004, as received by the Department on June 21, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This shall be the only structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the pier shall extend more than 41 feet from the shoreline at full lake elevation.
5. The maximum size of cribs shall not exceed 5 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
6. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
7. The minimum clear spacing between cribs shall be 12 feet.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03(d), construction of a 3-slip permanent pier.
2. The applicant has submitted evidence of insufficient water depth to support the need for an exception to the standard length per Rule Wt 402.02.

MINIMUM IMPACT PROJECT

2003-02523 MAPLECROFT BUILDING & DEVELOPMENT LLC
EPPING Unnamed Wetland

Requested Action:

Approve name change to: Ronald MacLaren of Leddy Fields of Epping, LLC, 182 Rockingham Rd. #3, Londonderry NH 03053

Conservation Commission/Staff Comments:

11/19/03 - The Epping Conservation Commission gave approval for application.

APPROVE NAME CHANGE:

Fill approximately 2,650 square feet of wet meadow wetlands to provide driveway access to an elderly housing project on approximately 20.28 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Jones & Beach Engineers, Inc. received by the Department on November 10, 2003:
 - a. The Lot Consolidation and Subdivision Plan (Sheet 3 of 16), the Existing Conditions Plan (Sheet 4 of 16) and the Grading and Drainage Plan (Sheet 6 of 16) dated August 17, 2003 and revised October 16, 2003; and
 - b. The General Notes and Legends (Sheet 2 of 16) dated September 8, 2003 and revised October 16, 2003.
2. This permit is contingent on approval by the DES Dam Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and reduce scour and erosion.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992)

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-00637 DRED - DIV OF FOREST & LANDS
ALLENSTOWN Catamount Pond

Requested Action:

Reclaim 25 cu yd of sand from 1000 sq ft of lakebed and regrade an existing 54 ft x 385 ft beach on an average of 385 ft of frontage on Catamount Pond, Bear Brook State Park in Allenstown.

APPROVE PERMIT:

Reclaim 25 cu yd of sand from 1000 sq ft of lakebed and regrade an existing 54 ft x 385 ft beach on an average of 385 ft of frontage on Catamount Pond, Bear Brook State Park in Allenstown.

With Conditions:

1. All work shall be in accordance with plans by State of New Hampshire Department of Resources and Economic Development dated April 8, 2004, as received by the Department on April 14, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All reclaimed sand not used for beach replenishment shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Work shall be done during drawdown.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), deemed minimum by the department.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 9, 2004. Field inspection determined the project to be the least impacting alternative.

2004-00665 BAUGHMAN TRUST, AMEILA
HANOVER Unnamed Pond

Requested Action:

Impact 810 square feet of jurisdictional areas further described as follows: Maintenance dredge 385 square feet upstream of the existing dam, disturb 235 square feet of intermittent stream to extend the existing outlet pipe from dam an additional 20 feet, and temporarily impact 190 square feet of intermittent stream.

Conservation Commission/Staff Comments:

The conservation commission endorses this project.

APPROVE PERMIT:

Impact 810 square feet of jurisdictional areas further described as follows: Maintenance dredge 385 square feet upstream of the existing dam, disturb 235 square feet of intermittent stream to extend the existing outlet pipe from dam an additional 20 feet, and temporarily impact 190 square feet of intermittent stream.

With Conditions:

1. All work shall be in accordance with plans by Root Engineering dated August 8, 2003 and revised through March 11, 2004, as received by the Department on April 19, 2004.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. Work shall be done during periods of non-flow.
6. Work shall be done during drawdown.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Dredged materials shall be placed outside of jurisdictional areas.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
16. Construction equipment shall not enter into surface waters.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of jurisdictional areas during construction.
20. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
21. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(l), temporary cofferdams and other water control devices constructed in flowing water or adjacent to dams in conjunction with the repair or maintenance of existing structures; and Administrative Rule Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00688 HEMPEL, PAUL & MARGARET
GILMANTON Unnamed Wetland

Requested Action:

Dredge and fill 2930 square feet including the installation of two 18-inch x 17 foot culverts for driveway access to a proposed single family building site.

Conservation Commission/Staff Comments:

The conservation commission has no objection to the proposed project.

APPROVE PERMIT:

Dredge and fill 2930 square feet including the installation of two 18-inch x 17 foot culverts for driveway access to a proposed single family building site.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering Inc dated April 8, 2004, as received by the Department on April 21, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows, and Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES has received a copy of the certified mail receipts illustrating abutters have all been notified appropriately.

2004-00913 DONAHUE, MARK
SANDOWN Unnamed Wetland

Requested Action:

Dredge and fill approximately 250 square feet within the bed and banks of an intermittent stream to install an 18-inch by 20-foot culvert to provide driveway access to a single family residential lot on approximately 16.8 acres.

Conservation Commission/Staff Comments:

The Sandown Conservation Commission DID NOT sign the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 250 square feet within the bed and banks of an intermittent stream to install an 18-inch by 20-foot culvert to provide driveway access to a single family residential lot on approximately 16.8 acres.

With Conditions:

1. All work shall be in accordance with the Dredge and Fill Plan by James M. Lavelle Assoc. dated May 6, 2004, as received by the Department on May 13, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Work shall be done during no flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The culvert shall be laid at existing grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a Minimum Impact Project per Administrative Rule Wt 303.04(z), impacts associated with access to a single family residential lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2004-01038 **COMEAU, GARY**
FREEDOM **Ossipee Lake**

Requested Action:

Extend an existing seasonal 4 ft x 24 ft seasonal dock to 4 ft x 30 ft and add a 4 ft x 16 ft addition to form an L-configuration on a property with 100 feet of shoreline frontage on Ossipee Lake.

Conservation Commission/Staff Comments:

ConComm no signature.

Requests DES to do site visit.

Spoke with Sara Cairns at NHI and concluded no impact by project.

APPROVE PERMIT:

Extend an existing seasonal 4 ft x 24 ft seasonal dock to 4 ft x 30 ft and add a 4 ft x 16 ft addition to form an L-configuration on a property with 100 feet of shoreline frontage on Ossipee Lake.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on June 21, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl, particularly loons', breeding and nesting areas shall be avoided.
5. This permit does not allow for maintenance dredging.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), modification of seasonal docks if no more than two boatslips are proposed and Wt 402, insufficient water depth.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Sensitive species identified by the NH Natural Heritage Bureau within the area will not be impacted as they are upland species.

2004-01124 STUMP, JOHN AND CATHERINE
WAKEFIELD Pine River Pond

Requested Action:

Install a 9 ft 6 in by 24 ft seasonal canopy over an existing seasonal boatlift on a property having approximately 300 ft of shoreline frontage on Pine River Pond.

Conservation Commission/Staff Comments:

ConComm no signature.

APPROVE PERMIT:

Install a 9 ft 6 in by 24 ft seasonal canopy over an existing seasonal boatlift on a property having approximately 300 ft of shoreline frontage on Pine River Pond.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on June 1, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and

when considered with the original application are not classified as minor or major.

7. These shall be the only structures on this water frontage and all portions of the new structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

8. Seasonal structures shall be removed for the non-boating season.

9. The canopy must be located no closer than 20 feet from the abutter's property line as drawn over the water.

10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), installation of a seasonal canopy deemed minimum impact by the department under the canopy policy dated March 11, 2004.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01212 STATE OF NH DEPT OF HEALTH & HUMAN SERVICES, DIV O
MANCHESTER Unnamed Wetland

Requested Action:

Dredge and fill 450 square feet of wet meadow wetland for construction of State of New Hampshire Architecturally Secure Facility for Juveniles.

Conservation Commission/Staff Comments:

Does not object.

APPROVE PERMIT:

Dredge and fill 450 square feet of wet meadow wetland for construction of State of New Hampshire Architecturally Secure Facility for Juveniles.

With Conditions:

1. All work shall be in accordance with plans by Kimball Chase dated October 28, 2003, as received by the Department on June 7, 2004.

2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3000 square feet in a wet meadow.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01348 SAUNDERS, WILLIAM & LORNA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair (2) existing 6 ft x 30 ft piers connected to an existing 10 ft x 24 ft crib supported wharf, in a 'U' shape, by driving a total of (16) pilings for support on an average of 207 ft of frontage on Cow Island, Lake Winnepesaukee.

APPROVE PERMIT:

Repair (2) existing 6 ft x 30 ft piers connected to an existing 10 ft x 24 ft crib supported wharf, in a 'U' shape, by driving a total of (16) pilings for support on an average of 207 ft of frontage on Cow Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Lorna A. Saunders dated June 15, 2004, as received by the Department on June 21, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Repair shall maintain existing size, location and configuration.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. No more than 8 pilings shall be used to support a pier for a total of 16 pilings for (2) piers.
9. The applicant shall submit an as-built plan once construction is completed.
10. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum by the department based on the degree of environmental impacts.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2004-00797 MERRILL, ROY
LOUDON Unnamed Stream

COMPLETE NOTIFICATION:

Loudon Tax Map 30, Lot# 15

2004-01154 BRUNDAGE-CATER TRUST, SUSAN JUKOSKY
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:
Grafton Tax Map 2, Lot# 131

2004-01249 KANE, JEAN
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Rochester Tax Map 130, Lot# 43

2004-01250 HOWARD, LYNN
DUBLIN Unnamed Stream

COMPLETE NOTIFICATION:
Dublin Tax Map 3, Lot# 13C

2004-01251 HUGE MOOSE ECOTIMBER LLC
HANOVER Unnamed Stream

COMPLETE NOTIFICATION:
Hanover Tax Map 14, Lot# 7

2004-01252 MACKLIN, MICHAEL & MARY
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:
Henniker Tax Map 1, Lot# 677

2004-01271 SPRAGUE BROOK INC
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmondd Tax Map D3 & D4, Lot# 7 & 2

2004-01272 CASPERSEN, FINN
CANAAN Unnamed Stream

COMPLETE NOTIFICATION:
Canaan Tax ap 10, Lot# 20

2004-01273 **COLE, PHILLIP**
FREEDOM **Unnamed Stream**

COMPLETE NOTIFICATION:
Freedom Tax map 9, Lot# 28

2004-01274 **KINGS ARROW TRUST**
PITTSBURG **Unnamed Stream**

COMPLETE NOTIFICATION:
Pittsburg Tax map A1, Lot# 26

2004-01275 **WINDGATE WOODLANDS ASSOCIATES, WILLIAM FAULKNER**
WESTMORELAND **Unnamed Stream**

COMPLETE NOTIFICATION:
Westmoreland Tax Map R19, Lot# 8

2004-01276 **SAWYER, NATHANIEL & PHILIP**
EFFINGHAM **Unnamed Stream**

COMPLETE NOTIFICATION:
Effingham Tax Map 15, Lot# 48

2004-01277 **BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M**
DIXVILLE **Unnamed Stream**

COMPLETE NOTIFICATION:
Dixville Tax Map 1626, Lot# 9

2004-01278 **KOCH, ROBERT**
HOPKINTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Hopkinton Tax Map 212, Lot# 3.1

2004-01279 **HILLSIDE TRUST, NORMAN FULTON TTEE**
ANDOVER **Unnamed Stream**

COMPLETE NOTIFICATION:
Andover Tax Map 16, Lot# 221,141

2004-01297 **FOURNIER, DOUGLAS**
ACWORTH **Unnamed Stream**

COMPLETE NOTIFICATION:
Acworth Tax Map 56, Lot# 431

EXPEDITED MINIMUM

2003-00095 DAVIS, ALVIN
LOUDON Unnamed Wetland

Requested Action:

Approve name change to: Patrice & John Fredette, 38 Warner Hill Rd., Derry NH 03038 per request received 6/22/04.

Conservation Commission/Staff Comments:

The Loudon Conservation Commission signed this Minimum Impact Expedited application contingent upon no further development of the property. According to a letter dated January 28, 2003, as received by DES on January 30, 2003, the Conservation Commission signed the application "with the knowledge that this property will be for one house and not be further developed." The applicant agreed to this condition.

APPROVE NAME CHANGE:

Dredge and fill approximately 856 square feet of forested wetland to install 24 feet of 18 inch diameter CMP culvert at one crossing, and 26 feet of 18 inch diameter CMP culvert at another crossing, to provide vehicular access to a single family building lot on 16.18 acres of an 18.46 acre two-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated January 8, 2003, as received by the Department on January 17, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition 4 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2003-00378 YELTON TRUST, EVERETT & MADELYN
NEW LONDON Pleasant Lake

Requested Action:

Repair approximately 100 linear feet of an existing stone and mortar retaining wall on 231 feet of shoreline frontage, New London

Conservation Commission/Staff Comments:

Poor locus information. No tax map. Digitized from previous file.

APPROVE AMENDMENT:

Repair approximately 100 linear feet of an existing stone and mortar retaining wall on 231 feet of shoreline frontage, New London

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on March 3, 2003.
2. Any future alteration of areas in or adjacent to surface water or wetlands on this property will require a new application and approval by the Department of Environmental Services.
3. Work shall be done in a confined area, through the use of turbidity curtains and/or cofferdams.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Repair shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. All activity shall be in accordance with the Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. Pleasant Lake is no longer drawn down, to preserve a salmon population that has been identified.
3. DES personnel inspected the site on June 22, 2004, and determined the wall is a hazard and failure to repair will result in greater environmental harm.
4. The Department has determined the repairs are required, and therefore, work may be conducted without a draw down of the lake.

2004-00660 COLBURN, EDWARD
GREENFIELD Unnamed Stream

Requested Action:

Dredge and fill 320 square feet along 30 linear feet of an unnamed season stream to install a 15-inch by 30 foot culvert for a common driveway of a 4-lot subdivision on 21.28 acres.

Conservation Commission/Staff Comments:

Greenfield Conservation Commission signed the Expedited application.

APPROVE PERMIT:

Dredge and fill 320 square feet along 30 linear feet of an unnamed season stream to install a 15-inch by 30 foot culvert for a common driveway of a 4-lot subdivision on 21.28 acres.

With Conditions:

1. All work shall be in accordance with the Wetlands Crossing Plan by E.J. Colburn Construction Corp. dated March 6, 2004 and revised May 22, 2004, as received by the Department on May 25, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), impacts to less than 3,000 sq ft of nontidal jurisdictional wetlands for installation of a culvert and associated fill to permit vehicular access to 3 lots of a 4-Lot subdivision.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00662 FOSTER TTEE, MARSHA
MASON Unnamed Wetland

Requested Action:

Dredge and fill approximately 300 square feet of forested wetland and install a 15-inch by 20 foot culvert for access to a single family residential lot on approximately 5.4 acres of a 4-lot subdivision on approximately 43.3 acres.

Conservation Commission/Staff Comments:

The Mason Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 300 square feet of forested wetland and install a 15-inch by 20 foot culvert for access to a single family residential lot on approximately 5.4 acres of a 4-lot subdivision on approximately 43.3 acres.

With Conditions:

1. All work shall be in accordance with the plan by Allan L. Foster dated April 3, 2004, as received by the Department on June 23, 2004 and the Lot Line Adjustment and Subdivision Plat plan by Todd Land Use Consultants dated January 22, 2004 and revised through April 16, 2004, as received by the Department on May 26, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.

5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00987 GILLAN MARINE
ALTON BAY Lake Winnepesaukee

Requested Action:

Install a seasonal boatlift in an existing boat slip on a property having 360 linear feet of shoreline frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Install a seasonal boatlift in an existing boat slip on a property having 360 linear feet of shoreline frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans received by the Department on May 19, 2004 and June 22, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. This permit does not allow maintenance dredging.
7. Seasonal boatlifts shall be removed from the lake for the non-boating season.
8. The boatlift is to be installed to lift the boat out of the water parallel to the shoreline.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(ac), installation of a seasonal boatlift in an existing legal boatslip.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

**2004-01066 COLLINS, CHRISTOPHER & CHRISTINE
MEREDITH Lake Winnepesaukee**

Requested Action:

Repair an existing grandfathered L-shaped docking structure by removing existing rotting supports and driving 12 new pilings to support the structure on a property having approximately 145 linear feet of frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

ConComm signed.

APPROVE PERMIT:

Repair an existing grandfathered L-shaped docking structure by removing existing rotting supports and driving 12 new pilings to support the structure on a property having approximately 145 linear feet of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans dated 5/10/04 by Mason Marine Construction as received by the Department on May 26, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Work shall be carried out after July 15, 2004 to avoid disturbance to loon habitat as identified by NH Fish and Game Department.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Repair shall maintain existing size, location and configuration.
7. This permit does not allow for maintenance dredging.
8. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair/maintenance of an existing docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The impact is identified as occurring in the buffer of historical loon habitat. A time restriction for the project has been implemented on the project to address this matter.

**2004-01181 SCHAEBERIE, ROBERT
ALTON Lake Winnepesaukee**

Requested Action:

Install 2 new fender pilings next to an existing 6 foot x 40 foot seasonal dock on a property having approximately 130 feet of shoreline frontage on Lake Winnepesaukee.

DENY PERMIT:

Install 2 new fender pilings next to an existing 6 foot x 40 foot seasonal dock on a property having approximately 130 feet of shoreline frontage on Lake Winnepesaukee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "no person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp, or in or adjacent to any waters of the state without a permit from the department."
2. In accordance with Rule Wt 402.04(c), seasonal docks, once permitted, shall require no further action unless there is a change in size, location, or configuration."
3. In accordance with Rule 402.04(a), "seasonal docks shall be designed to be installed at the beginning and removed at the end of the boating season."
4. In accordance with Rule Wt. 101.79, "Seasonal dock or seasonal structure means a dock and any associated supports designed to be completely removed from the water during the non-boating season."
5. In accordance with Rule Wt 303.03 installation of a permanent dock is considered a Minor project.
6. In accordance with Wt 302.04, Requirements for Application Evaluation, applicants shall demonstrate the need for the proposed impact.
7. In accordance with Rule Wt. 402.02, standard dimensions for permanent docks shall not exceed 6 ft x 30 ft unless the department accepts evidence of grounds for an exception outlined under Wt. 402.02(b).

Findings of Fact

8. On June 4, 2004, the department received an application for surface water impacts, on the property identified as Alton Tax Map 21A, Lot12, for the installation of two fender pilings next to an existing dock.
9. During a phone conversation with the department on March 25, 2002 in respect to File # 2002-173, the applicant has been informed that in order for a pier to be considered seasonal all portions of the pier located within the public trust must be removable .
10. On April 23, 2002 the department issued a permit at the same location for the removal of a 6 ft x 30 ft seasonal dock and installation of a 6 ft x 40 ft seasonal dock.

Rulings in Support of the Decision

11. The proposed project is a Minor project, as installation of two pilings would qualify the existing structure as permanent.
12. The applicant failed to meet Wt 302.04 (a)(1) by neglecting to provide evidence to justify the need for the proposed impact.
13. The applicant failed to provide evidence of need for a permanent docking structure which exceeds the standard approvable dimensions as required per Rule Wt. 402.02(b).

GOLD DREDGE

2004-01316 BALLARD, DALE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2004-01217 DESIMONE, STEPHEN
GILMANTON

COMPLETE NOTIFICATION:
Gilmanton Tax Map 38, Lot# 10 Crystal Lake

2004-01313 LATOUCHE, JOSEPH
TILTON Lake Winnisquam

COMPLETE NOTIFICATION:
Tilton Tax Map , Lot# 13

2004-01314 CARPENTER JR, PAUL
FREEDOM Round Pond

COMPLETE NOTIFICATION:
Freedom Tax Map 47 Lot# 14 Round Pond

2004-01318 MACPHEE, ROBERT & PAULA
MEREDITH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Meredith Tax Map U32, Lot# 1B Lake Winnepesaukee

2004-01319 MARTINO, PATRICIA
MILTON Salmon Falls

COMPLETE NOTIFICATION:
Milton Tax Map 33, Lot# 3 Salmon Falls

2004-01357 COURTEMANCHE, JOHN
WAKEFIELD Pine River Pond

COMPLETE NOTIFICATION:
Wakefield tax Map 54, Lot# 39 Pine River Pond

2004-01358 AMBROSE, ELEANOR
DEERFIELD Pleasant Lake

COMPLETE NOTIFICATION:

Deerfield Tax Map 204, Lot# 34 Pleasant Lake

**2004-01362 MILLER, JAMES A & KATHRYN
MEREDITH Lake Wicwas**

COMPLETE NOTIFICATION:

Meredith Tax Map R10, Lot# 6 Lake Wicwas

**2004-01363 SKUBISZ, MICHAEL
WAKEFIELD Pine River Pond**

COMPLETE NOTIFICATION:

Wakefield Tax Map 53, Lot# 74 Pine River Pond

**2004-01364 BARTHLOMEW, WILLIAM & ELEANOR
SALISBURY Tucker Pond**

COMPLETE NOTIFICATION:

Salisbury Tax Map 11, Lot# 29 Tucker Pond

**2004-01365 GEORGIA, MARGARET
CANAAN Goose Pond**

COMPLETE NOTIFICATION:

Canaan Tax Map IF, Lot# 41A Goose Pond

SHORELAND VARIANCE / WAIV

**2004-00451 HURLEY, BRIAN & PAULA
LACONIA Lake Winnepesaukee**

Requested Action:

Retain a second story addition on a nonconforming dwelling in Paugus Bay, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

dwelling extends lakeward of 504.32.

DENY CSPA WAIVER:

Retain a second story addition on a nonconforming dwelling in Paugus Bay, Lake Winnepesaukee.

With Findings:

1. The existing dwelling is located within the 50 ft setback to Lake Winnepesaukee and therefore fails to conform to the minimum standard set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, I, nonconforming structures may be repaired, renovated, or replaced in kind provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
4. The applicant is unable to provide any significant improvement to the dwelling, and therefore does not meet the requirements under RSA 483-B:11, II to make the structure more nearly conforming.
5. Therefore, in accordance with RSA 483-B:11, II, your request for a waiver of RSA 483-B:11, I, prohibiting the expansion of nonconforming structures, is denied. This denial does not affect the existing approved waiver, 2003-01299. As approved by 2003-01299 waiver, the structure shall maintain the existing ridgeline to the road with one dormer, and the bay window. The structure shall not be required to be removed above the normal high water line. As a result, DES rescinds the letter dated April 20, 2004.

ROADWAY MAINTENANCE NOTIF

2004-01315 NH DEPT OF TRANSPORTATION, GREG PLACEY
ERROL Unnamed Wetland

2004-01317 BEDFORD, TOWN OF
BEDFORD Unnamed Stream

2004-01359 NH DEPT OF TRANSPORTATION
RAYMOND Unnamed Stream

2004-01360 NH DEPT OF TRANSPORTATION
BENNINGTON Unnamed Stream

2004-01361 STARK, TOWN OF
STARK Unnamed Stream

PERMIT BY NOTIFICATION

2004-01159 STANTON FARM REALTY TRUST
GLEN Unnamed Stream

Requested Action:

PBN#1, DES cannot permit After-The-Fact permits and subdivisions with the PBN process.

PBN DISQUALIFIED:

PBN#1, DES cannot permit After-The-Fact permits and subdivisions with the PBN process.

2004-01233 HALSTEAD, RICHARD
WOLFEBORO Lake Winnepesaukee

Requested Action:

PBN#13, Replace no more than 10 cubic yards of beach sand on perched beach.

Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission DID NOT sign the PBN form.

PBN IS COMPLETE:

PBN#13, Replace no more than 10 cubic yards of beach sand on perched beach. per plans received on 06/21/2004.